

KEITH W. COOLEY DIRECTOR

#### STATE BOUNDARY COMMISSION BUREAU OF CONSTRUCTION CODES

Conference Room 3, First Floor 2501 Woodlake Circle Okemos, MI 48864

#### **AGENDA**

September 20, 2007 1:30 p.m.

## 1. <u>DOCKET #07-AP-2: KENT COUNTY</u>

Legal sufficiency on a petition proposing the annexation of certain territory in Vergennes Township to the City of Lowell.

- a. Call to Order and Determination of Quorum.
- b. Opening Statement.
- c. Comments and/or Presentations by Involved Parties.
- d. Public Comment.
- e. Commission Questions/Discussion/Deliberation.
- f. Commission Action.
- g. Adjourn.

#### 2. <u>DOCKET #06-I-1: KALAMAZOO COUNTY</u>

Adjudicative session on the proposed incorporation of the Village of Climax as a home rule city.

- a. Call to Order and Determination of Quorum.
- b. Opening Statement.
- c. Comments and/or Presentations by Involved Parties.
- d. Public Comment.
- e. Commission Questions/Discussion/Deliberation.
- f. Commission Action.
- g. Adjourn.

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#### 3. <u>DOCKET #06-AP-2: LAPEER COUNTY</u>

Adjudicative session on the proposed annexation of certain territory in Elba Township to the City of Lapeer.

- a. Call to Order and Determination of Quorum.
- b. Opening Statement.
- c. Comments and/or Presentations by Involved Parties.
- d. Public Comment.
- e. Commission Questions/Discussion/Deliberation.
- f. Commission Action.
- g. Adjourn.

## 4. <u>DOCKET #07-AP-3: EATON COUNTY</u>

Adjudicative session to adopt the Summary of Proceedings, Findings of Fact, and Conclusions of Law for the rejection of legal sufficiency on the proposed annexation of certain territory (Grand Ledge Oak Tree Village LLC) in Oneida Township to the City of Grand Ledge.

- a. Call to Order and Determination of Quorum.
- b. Opening Statement.
- h. Comments and/or Presentations by Involved Parties.
- i. Public Comment.
- j. Commission Questions/Discussion/Deliberation.
- k. Commission Action.
- 1. Adjourn.

# DOCKET MATERIALS FOR THIS MEETING WILL BE AVAILABLE ON THE WEB TEN DAYS PRIOR TO THE MEETING AT:

- www.michigan.gov/bcc
  - CLICK ON "COMMISSIONS/BOARDS" ON LEFT SIDE OF WEB PAGE.
  - CLICK ON "STATE BOUNDARY COMMISSION".
  - EACH AGENDA ITEM IS LISTED UNDER THIS MEETING DATE.

TO CONFIRM WHETHER A DOCKET ITEM HAS BEEN POSTPONED, OR IF YOU HAVE ANY QUESTIONS, PLEASE CALL (517) 241-6321 BEFORE 11:00 AM ON THE DAY OF THE MEETING.

THE COMMISSION MAY REVISE THIS AGENDA OR TAKE UP OTHER PROPERLY NOTICED ITEMS AS NEEDED AND TIME ALLOWS. AGENDA ITEMS MAY NOT NECESSARILY BE CONSIDERED IN THE SAME ORDER AS LISTED ABOVE.

Please make sure all cell phones, pagers, and other personal electronic devices are either turned off or set to vibrate. The meeting site is accessible and includes handicapped parking. In order to enhance accessibility for everyone, individuals attending the meeting are encouraged to refrain from using heavily scented personal care products. Persons with disabilities requiring additional accommodation in order to participate should contact the Boundary Commission Office by either telephone (517-241-6321) or email (holmesc@michigan.gov) at least ten business days in advance.



#### JENNIFER M. GRANHOLM GOVERNOR

# STATE OF MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH LANSING

KEITH W. COOLEY DIRECTOR

To:

State and Kent County Boundary Commissioners

From:

Christine Holmes, Manager State Boundary Commission

Date:

September 7, 2007

Subject:

Legal Sufficiency Review

Docket # 07-AP-2

Proposed Annexation of Territory in Vergennes Township to the City of Lowell

I have reviewed the petition and offer the following comments for your consideration:

- 1. This petition, requesting the annexation of 177.05 acres in Vergennes Township to the City of Lowell, was filed on February 20, 2007. The petitioner is identified as DuRay Development LLC, Robert D. Munger, member.
- 2. The documents submitted in this petition are copies of the same documents that were filed by Mr. Robert Munger in Docket #04-AP-4, and which was denied by the Commission in November 2006.
- 3. Docket #07-AP-2 contains two separate "Affidavit of Agent" documents. One affidavit is signed by James B. Cook, Jr., and the other is signed by Berdie Lou Cook. These individuals are identified in the petition as husband and wife, and the owners of the property proposed for annexation on the quit claim deeds. During the Commission's proceedings on the previous petition, Mr. Cook passed away.
- 5. Both affidavits authorize DuRay Development, L.L.C. to act as agent for these property owners. The petition contains no documentation to indicate that Mr. Munger is authorized to act on behalf of DuRay Development LLC. Mr. Robert Munger signed Part IV of the petition.
- 6. In April 2007, the Commission Office received correspondence from Mr. Thomas Hoffman, an attorney representing Berdie Lou Cook as an individual and in her capacity as a trustee. Mr. Hoffman's communication indicates that DuRay Development L.L.C. no longer has any interest in the 177 acres, and that DuRay Development L.L.C. had until March 31, 2007, in which to close on its purchase of those 177 acres. Mr. Munger contacted me shortly thereafter to notify me that this was not the case. After consultation with the Commission chairman, I relayed to Mr. Munger that scheduling this petition for legal sufficiency could be postponed while he attempts to resolve the legal situation, but that a timely follow-up would be appreciated. Not having heard from Mr. Munger since that time, in addition to the Commission Office undergoing a staffing transition and physical move several months ago, this petition is now being scheduled for legal sufficiency.
- 7. A copy of a quit claim for Parcel #2, dated January 20, 2004, does not contain the recorded stamp of the County Register of Deeds. As provided in Boundary Commission Rule 25, I requested Mr. Munger to provide a copy of this recorded deed.

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- 8. The Exhibit Map (Sheet 2 of 2) attached to the Part I Map contains the property descriptions for each of the parcels owned by the property owners. The legal description of the area proposed for annexation is identified in Part III.
- 9. The south line of the area proposed for annexation is contiguous with the City of Lowell by approximately 1,320 feet.

Mr. Keith Lambert, a surveyor and plat examiner in the Office of Land Survey and Remonumentation, examined the Part I map and Part III legal description. A copy of his review and comment letter is also submitted for your consideration. Mr. Lambert is available to provide his comments to the Commission.



#### JENNIFER M. GRANHOLM GOVERNOR

# STATE OF MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH LANSING

KEITH W. COOLEY DIRECTOR

September 6, 2007

Christine A. Holmes, Manager State Boundary Commission

RE: Docket 2007-AP-02 Vergennes Township / City of Lowell

Dear Christine:

I have reviewed the PART I map, the PART III legal description and the PART V legal description in 2007-AP-02 and have the following comments for your consideration.

The PART I map does not label the territory proposed for annexation to the **City of Lowell**, Michigan. If the land bounded by the bold black line on the PART I map is the boundary of the territory proposed for annexation to the **City of Lowell**, then the PART I map and the PART III legal description are substantially accurate and substantially consistent with each other.

The limits of the City of Lowell, Lowell Township, Vergennes Township and a stream which traverses the territory proposed for annexation are not shown on the PART I map as required by commission rule 25.

The area described in the PART V description is greater than 75% of the area in the PART III legal description, exclusive of the road right-of-way.

The territory proposed for annexation is contiguous with the **City of Lowell** limits, based on the documentation provided by the Secretary of State as of August 31, 2007.

Sincerely,

Keith E. Lambert, P.S., Plat Examiner

Office of Land Survey and Remonumentation

Reith E. Lambert

KEL/jd

